

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jeffrey C. Smith and Jean-Christophe Bandini  
Title: POLICY ENFORCEMENT IN A SECURE DATA FILE DELIVERY  
SYSTEM  
Application No.: 10/790,901 Filed: March 1, 2004  
Examiner: Kari L. Schmidt Group Art Unit: 2439  
Atty. Docket No.: 127-0007-2 Confirmation No.: 2607

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September 29, 2011

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P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF (37 C.F.R. § 41.37)**

This brief is in furtherance of the Notice of Appeal, filed on March 29, 2011. A petition for extension of time is being filed herewith (either as a separate paper or constructively in accordance with 37 C.F.R. § 1.136(a)(3)) thereby extending the period for reply until September 29, 2011. An amendment under 37 C.F.R. §§ 41.33(a), 1.116 accompanies this brief and, upon entry, will greatly simplify issues on appeal.

***No Appeal fees are believed due, as a prior Appeal Brief was filed in the present application (with § 41.20(b)(2) fee paid) on October 9, 2009.*** Nonetheless, the Commissioner is hereby authorized to charge any deficiency in fees required by this paper and any additional fees under 37 C.F.R. §§ 1.16, 1.17 or 41.20(b) which may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

**REAL PARTY IN INTEREST**

The real party in interest in this appeal is Axway Inc., the assignee of record, as evidenced by the assignment recorded at Reel/Frame 022062/0244.

**RELATED APPEALS AND INTERFERENCES**

Known prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal include:

None.

**STATUS OF CLAIMS**

Claims 1-33 and 36-41 are pending. Claims 1-26 have been allowed. Claims 27-33 and 36-41 stand as rejected. Claims 34 and 35 have been canceled. Rejected dependent claim 36 is the sole subject of this appeal.

**STATUS OF AMENDMENTS**

In an effort to simplify issues, claims 27-33 and 37-41 have been cancelled by way of amendment filed September 29, 2011. That amendment, which has not yet been entered, cancels all remaining unallowed claims except claim 36.

**SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 1 (which has been allowed, but which is "involved in the appeal" insofar as it is the base claim for rejected dependent **claim 36**) is directed to a computer readable medium useful in association with a computer which includes a processor and a memory. The computer readable medium includes computer instructions configured to cause the computer to assure adherence to a policy by a package to be delivered from a sender associated with an enterprise to one or more recipients through a computer network. The Summary, appearing at p. 3, line 7 to p. 5, line 16 of the application as filed, provides a basic, and illustrative, interplay between sender, recipients and exemplary computers, together with a general description of illustrative packages and policies.

Operation of the computer so programmed includes several aspects positively recited in the text of claim 1. In particular, in response to receipt of package data that is generated by the sender and which specifies the package, the computer applies a policy to the package wherein the

policy is specified by policy data received from a policy authority of the sender. The policy authority includes a rule base associated with the sender enterprise. Thus, as presently claimed, it is a sender-centric policy framework that informs policy determinations. Operation of the computer so programmed further includes determining whether the policy permits delivery of the package. Although the nature of a “package” and application of a “policy” thereto do not appear to be in substantial dispute, operation of a package manager 302 is summarized (relative to FIG. 3) at p. 8, line 23 to p. 9 line 13 and illustrative package structures are detailed in the section entitled “Package Structure” beginning at p. 18, line 20 and continuing through p. 23. Likewise, operation of a policy manager 308 is summarized (again, relative to FIG. 3) at p. 9, line 27 to p. 11 line 9 and illustrative realizations of such are policy manager are detailed in the section entitled “Policy Manager 308” beginning at p. 23, line 18 and continuing through p. 30.

Upon a condition in which the policy permits delivery of the package, operation of the computer so programmed further includes delivery of the package by a specific technique recited in the text of claim 1. In particular, the claim language recites (1) sending notification to the recipients wherein the notification includes package identification data; and (2) responsive to receipt of the package identification data from a particular one of the recipients, providing the particular recipient with access to the package. The delivery technique is described at p. 4, lines 1-9 and further explained, relative to an illustrative private URL-based embodiment at p. 9, lines 14-26.

### **GROUND S OF REJECTION TO BE REVIEWED ON APPEAL**

The sole remaining ground of rejection is as follows: Claims 27-33 and 36-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,442,686 to McArdle et al. (hereafter “*McArdle*”) in view of published PCT International Application WO 99/05814 naming Dickinson et al as inventors (hereafter “*Dickinson*”) and U.S. Patent No. 6,618,747 to Flynn et al. (hereafter “*Flynn*”).

### **ARGUMENT**

#### *Claim 26*

Claim 26 depends from allowed claim 1 and is allowable for at least that reason.

**CONCLUSION**

For the at least the foregoing reasons, Appellants' presently claimed invention would not have been obvious to one of ordinary skill in the art under 35 U.S.C. § 103(a) in view of the cited prior art. Accordingly, this honorable Board is respectfully requested to reverse the rejections of claim 26 and to direct the claims of the present application to be issued.

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<u>/David W. O'Brien/</u>	<u>29-Sep-2011</u>
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Respectfully submitted,

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**CLAIMS APPENDIX**

1. A computer readable medium useful in association with a computer which includes a processor and a memory, the computer readable medium being non-transitory and including computer instructions which are configured to cause the computer to assure adherence to a policy by a package to be delivered from a sender associated with an enterprise to one or more recipients through a computer network by:

responsive to receipt of package data which is generated by the sender and which specifies the package, applying a policy to the package wherein the policy is specified by policy data received from a policy authority of the sender, the policy authority including a rule base associated with the sender enterprise;  
determining whether the policy permits delivery of the package; and  
upon a condition in which the policy permits delivery of the package, delivering the package by:  
sending notification to the recipients wherein the notification includes package identification data; and  
responsive to receipt of the package identification data from a particular one of the recipients, providing the particular recipient with access to the package.

2. The computer readable medium of Claim 1 wherein the policy applying comprises:  
determining that the package satisfies one or more conditions; and  
if the package satisfies the one or more conditions, performing one or more actions which are associated with the one or more conditions.

3. The computer readable medium of Claim 2 wherein the one or more actions include blocking delivery of the package.

4. The computer readable medium of Claim 2 wherein the one or more actions include blocking delivery of the package pending review of the package by the policy authority.

5. The computer readable medium of Claim 2 wherein the one or more actions include documenting the delivery of the package.
6. The computer readable claim of Claim 5 wherein the documenting of the delivery of the package includes storing a copy of the package.
7. The computer readable medium of Claim 5 wherein the documenting of the delivery of the package includes sending a copy of the package to a predetermined recipient.
8. The computer readable medium of Claim 2 wherein at least ~~a~~ one of the actions notifies at least one predetermined recipient of one or more others of the actions.
9. The computer readable medium of Claim 8 wherein the predetermined recipient is the sender.
10. The computer readable medium of Claim 2 wherein the one or more actions include modifying the package.
11. The computer readable medium of Claim 10 wherein the modifying of the package includes removing one or more data files attached to the package.
12. The computer readable medium of Claim 10 wherein the modifying of the package includes modifying a message within the package.
13. The computer readable medium of Claim 10 wherein the modifying of the package includes modifying data which specifies the manner in which the package is to be delivered.
14. The computer readable medium of Claim 10 wherein the modifying of the package includes modifying data which specifies recipient actions which can be performed on the package after receipt by the recipient.

15. The computer readable medium of Claim 2 wherein one or more of the conditions include a boolean expression involving data related to the sender.
16. The computer readable medium of Claim 2 wherein one or more of the conditions include a boolean expression involving data related to one or more of the recipients.
17. The computer readable medium of Claim 2 wherein one or more of the conditions include a boolean expression involving data related to one or more attributes of the package.
18. The computer readable medium of Claim 1 wherein the package data is generated by the sender through a web browser.
19. The computer readable medium of Claim 18 wherein the package data includes HTML form data.
20. The computer readable medium of Claim 1 wherein the policy data is received from the policy authority through a computer network.
21. The computer readable medium of Claim 1 wherein the computer network includes the Internet.
22. The computer readable medium of Claim 1 wherein the notification is sent to the recipients as an SMTP e-mail message.
23. The computer readable medium of Claim 1 wherein the package identification data is supplied as part of a URL.
24. The computer readable medium of Claim 1 wherein the providing the particular recipient with access to the package in response to receipt of the package identification data includes transferring the package in connection with a hypertext transfer (HTTP) type protocol interaction.

25. The computer readable medium of Claim 1, further comprising:  
computer instructions executable to facilitate the receipt of the sender-generated package  
data.
26. The computer readable medium of Claim 1, further comprising:  
computer instructions executable to facilitate the receipt of the package identification  
data from one of the recipients.
36. The computer readable medium of claim 1, wherein the particular recipient is not  
associated with the sender enterprise.



**EVIDENCE APPENDIX**

There is no evidence submitted pursuant to 37 C.F.R. § 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon by appellant in the appeal.

**RELATED APPEALS APPENDIX**

There are no decisions rendered by a court or the Board in any proceeding identified above in the Related Appeals and Interferences section.